GOVERNMENT OF INDIA
RAILWAYS
LOK SABHA

UNSTARRED QUESTION NO:3422
ANSWERED ON:26.04.2007
GODHRA TRAIN INCIDENT
Chaure Shri Bapu Hari;Dhotre Shri Sanjay Shamrao;Gawali Smt. Bhavana Pundlikrao

Will the Minister of RAILWAYS be pleased to state:

(a) whether the special investigation team of Gujarat Police has completed their enquiry into the Godhra train incident which took place five years back;

(b) if so, the facts found by the team and the details of persons found guilty in the matter;

(c) whether the team has totally rejected the report of the Justice U.C. Banerjee Committee constituted by Railways to enquire into the said matter; and

(d) if so, the details thereof and the reaction of the Railways thereto?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF RAILWAYS (SHRI R. VELU)

(a) & (b): Yes, Sir. In Godhra Train incident, 02 cases vide Crime No.Godhra/GRPS/09/02 U/S 143, 147, 148, 149, 337, 338, 302 and 307 IPC and 141, 150, 152 of the Railways Act dated 27.02.2002 and Godhra GRPS/Crime No.10/02 U/S 307, 147, 148, 149, 436, 153(A), 120B IPC and 141, 150, 153 of the Railways Act with 327 Damage of Public Property Act dated 27.2.2002 were registered. Out of these 02 cases, the investigation of Crime No.10/02 has been completed and charge sheet has been submitted against 11 accused persons. The case is pending trial in the Court of learned 3rd Additional Session Judge, Godhra. The next date of hearing in this case is 21-5-2007.

The investigation of Crime No.09/02 is still pending. Out of about 131 suspected accused, 114 have been arrested and rest are still to be arrested. In this case, State Government of Gujarat has invoked the provisions of Prevention of Terrorist Act, 2002 (POTA). After investigation in CR 10/02, all the accused persons have been found prima facie guilty; as such charge sheet has been submitted.

(c) & (d): A High Level Committee was constituted under the Chairmanship of Justice (Retd.) U.C. Banerjee to ascertain the cause of fire, events/developments leading to the incident of fire in 9166 Up Sabarmati Express at Godhra on 27.2.2002 vide Ministry of Railways Notification dated 4.9.2004. This Committee was given the status of a Commission vide Ministry of Railways' Notification dated 2.12.2005. The Committee submitted its interim report on 7.1.2005 followed by final report to the Ministry of Railways on 3.3.2006.

Hon'ble Gujarat High Court on the petition of Neelkanth Tulsidas Bhatia had directed the Railway Administration and others vide their interim order dated 7.3.2006 not to give any further publicity to the report and not to implement and/or not to take any further action on the basis of the Report submitted by the High Level Committee. It was further directed that the said report shall not be further acted upon and relied upon in any manner whatsoever by anybody. The Hon'ble High Court of Gujarat, Ahmedabad further vide its order dated 13.10.2006 have declared the constitution of High Level Committee as bad in law and have quashed and set aside its appointment. The order has further directed that the report given by the Committee is not to be laid before the Parliament. The interim relief to that effect already given by the Court vide order dated 7.3.2006 which was confirmed by the Division Bench of the Court was made absolute. A Review Petition (LPA) has been filed against these orders before Hon'ble High Court of Gujarat at Ahmedabad and the matter is sub-judice.